

A.No. 5020 of 2019
in
C.S.No. 689 of 2017

R.SUBRAMANIAN, J.

This application has been filed seeking to set aside the order dated 29.06.2019 setting the defendant exparte and directing the matter to be listed before the learned Master for recording evidence.

2. The main suit is one for partition. The defendants were set exparte, since the written statement was not filed, despite service of notice. The first defendant has filed the above application seeking to set aside the exparte order. The reason for the failure to file the written statement in time as set out in Paragraph 3 of the affidavit is that the first defendant who is about 72 years old had suffered serious eye sight problem and he was advised by the Doctors not to venture out. Therefore, according to the first defendant, he could not trace the documents and instruct his counsel suitably to file a written statement. The first defendant has also filed his written statement along with an application to condone the delay in filing the written statement. Being satisfied with the above reasons, the above application to set aside the exparte order is allowed, exparte order dated 29.06.2018 is set aside.

R.SUBRAMANIAN, J.

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3. Registry is directed to number the application seeking condonation of delay in filing the written statement in SR.No.90934 of 2019, if it is otherwise in order and post the same on 29.07.2019.

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23.07.2019



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